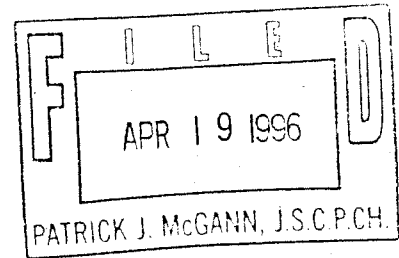


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SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION - MONMOUTH COUNTY
DOCKET NO: MON-C-324-95

NEW JERSEY STATE BOARD)
OF DENTISTRY,)
Plaintiff,)
v.)
MARIA ORTIZ,)
Defendant.)

Civil Action

CONSENT ORDER AND JUDGMENT

This matter was opened to the Court by Deborah T. Poritz, Attorney General of New Jersey, by Olga E. Bradford, Deputy Attorney General, counsel for the plaintiff New Jersey State Board of Dentistry, pursuant to N.J.S.A. 45:1-18 and N.J.S.A. 45:1-23, as well as R. 4:52-1 for an Order permanently enjoining the defendant Maria Ortiz from engaging in the unlicensed practice of dentistry in the State of New Jersey and for costs and penalties pursuant to N.J.S.A. 45:1-25. A preliminary Order entering Temporary Restraints and authorizing the impoundment of evidence of unlawful dental practice was issued by the Court ex parte on December 12, 1995. The defendant was served with the Order to Show Cause with Temporary Restraints on December 12, 1995,

with a return date of December 22, 1995. The matter was adjourned first until January 10, 1996, and then until January 25, 1996, with the consent of the parties and with the restraints continuing until the return date.

It appearing that the parties have agreed to the entry of a Consent Order and Judgment resolving this matter, and the defendant Maria Ortiz having acknowledged her violation of N.J.S.A. 45:6-1 et seq., and admitting to having engaged in the unlicensed practice of dentistry in the State of New Jersey, and it further appearing that the entry of a permanent injunction, costs and penalties is warranted, and for good cause shown;

IT IS THEREFORE ON THIS ^{April} 19th DAY OF ~~JANUARY~~ 1996,

ORDERED THAT

1. The defendant Maria Ortiz is hereby permanently enjoined from engaging in or offering to engage in the practice of dentistry in the State of New Jersey until she obtains a valid license to do so from the State Board of Dentistry ("Board") at which time the restraint and/or injunction is automatically lifted provided all of the other provisions contained in this Order have been complied with by the defendant;

AND IT IS FURTHER ORDERED THAT:

2. The defendant shall no longer bring into the office space or apartment located at 67-B South Street, Freehold, New Jersey, owned, leased, occupied and used by her in this State or any other location, instruments and equipment customarily used for the practice of dentistry unless and until she is licensed by the Board to practice dentistry and provided that all other provisions in this Order have been complied with by the defendant;

3. The defendant, pursuant to N.J.S.A. 45:1-25, shall pay civil penalties in the amount of \$2,500., upon the signing of this Consent Order, by certified check or money order payable to the State of New Jersey. The payment shall be submitted to Agnes Clarke, Executive Director of the Board of Dentistry, at 124 Halsey Street, Sixth Floor, Newark, New Jersey 07102;

AND IT IS FURTHER ORDERED THAT:

4. Pursuant to N.J.S.A. 45:1-25, the defendant Maria Ortiz shall pay the costs of the State's investigation of this matter in the amount of \$6,875.60 with interest as provided in the New Jersey Court Rule 4:42-11(a)(ii). Payment shall be made by certified check or money order in twenty-four (24) monthly installments of \$286.50 each, plus the applicable amount of interest, made payable to the State of New Jersey. These installment payments shall be due on or before the tenth day of each month and shall be submitted to Agnes Clarke, Executive Director of the Board of Dentistry, at 124 Halsey Street, Sixth Floor, Newark, New Jersey 07102. Any failure to make any installment payment when due shall cause the entire remaining balance to become immediately due and payable without further notice;

5. The defendant, at her sole cost and expense, shall arrange for the removal of dental equipment and other items confiscated on December 12, 1995, and December 18, 1995, from the Enforcement Bureau of the Division of Consumer Affairs, 124 Halsey Street, Seventh Floor, Newark, New Jersey 07102, by renting a storage bin or area within which to store said confiscated dental equipment within twenty (20) days of the filing of this Order. The equipment and items to be removed are set forth in the inventory previously submitted to the Court, a copy of which is annexed hereto as Exhibit A. The confiscated

patient records and dental laboratory bags containing fabricated dental fixtures shall not be returned to the defendant. If the defendant fails to remove said equipment within the twenty (20) days, said equipment may be disposed of at the discretion of the plaintiffs.

Proof of the rental of the appropriate facility, i.e., a copy of the written contract, shall be provided to the Board by the defendant within five (5) days of the signing of the rental contract and prior to the removal of any items from the Enforcement Bureau. The costs for the rental term of the storage area shall be borne by the defendant. If the defendant fails to make timely payments for said rental costs, the defendant shall bear sole responsibility for the consequences of such failure, including but not limited to, the sale or seizure of the confiscated property. Further, the expense of the removal of the dental equipment and items to said storage area shall be borne by defendant. The key to the storage bin or area shall be held by the Enforcement Bureau or any other designated representatives of the plaintiffs.

None of the confiscated dental equipment and items shall be released to, or in the care or custody of, the defendant unless and until she is licensed by the Board to practice dentistry in this State and unless and until all costs and penalties assessed against the defendant have been paid in full. If these conditions are met to the satisfaction of the Board, the defendant may take possession of the confiscated items. The confiscated dental equipment and items shall be stored in the rented storage area, at the expense of the defendant, until she is so licensed by the Board or until she abandons her attempts to become licensed to practice dentistry in the State of New Jersey. Abandonment of efforts to be licensed in the practice of

dentistry by the defendant shall be constituted by her failure to sit for the necessary and required dental examinations on the next two (2) consecutive offerings of such examinations, following the date of this Order or by the defendant so advising the Board of her abandonment, whichever occurs sooner.

If the defendant abandons her attempt to become licensed to practice dentistry in this State, she shall immediately arrange at her sole expense to discard, destroy, donate or sell the dental equipment. The defendant must provide proof to the Board of Dentistry that she relinquished or released the confiscated dental equipment to a properly licenced person or entity or any wholesaler or retailer of dental equipment that is approved by the Board and/or that she properly discarded and disposed of said seized property within ten (10) days of said action.


The designees and agents of the Attorney General are authorized to inspect the rental premises at unannounced times during regular business hours during the rental period to ascertain whether the defendant is complying with the terms of this Order. The costs for these inspections shall be borne by the defendant and the defendant agrees that she shall not be licensed by the Board until all said costs are paid. Evidence of violations of the terms of this Order shall constitute grounds for the Attorney General to initiate application to the Court for such sanctions as may be permitted by law;

6. Any dental record impounded which relate to patient identity and patient treatment, including but not limited to actual impressions, x-rays etc., shall not be deemed public records and shall be kept confidential;

7. The Board of Dentistry, if it deems such action to be feasible, is authorized to send by regular mail, the dental records to each dental patient for whom addresses are on record. The cost of this processing and mailing will be borne by the defendant and the defendant agrees that she shall not be licensed by the Board until all said costs are paid;

8. The designees and agents of the Attorney General are authorized to inspect the premises at 67-B South Street, Freehold, New Jersey, at unannounced times during regular business hours to ascertain whether the defendant is complying with the terms of this Order. The expenses associated with these random inspections shall be paid by the defendant and the defendant agrees that she shall not be licensed by the Board until all said costs are paid. Evidence of violations of the terms of this Order shall constitute grounds for the Attorney General to initiate application to the Court for such sanctions as may be permitted by law.

9. Once the defendant passes the necessary and required dental examinations, her licensure will not be delayed for any reason, provided that; all of the terms of this Consent Order have been complied with; all licensure requirements of the Board have been met; and, there are no additional violations of licensure requirements by the defendant.



Honorable Patrick J. McGann, Jr., J.S.C.

Consented to as to Form
and Entry:

Maria D. Ortiz
Maria Ortiz, Defendant

Joseph Cooney
Joseph Cooney, Esquire
Counsel for Defendant, Maria Ortiz

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

By: Olga E. Bradford
Olga E. Bradford
Deputy Attorney General